

Appl. No. : **10/681,472**
Filed : **October 8, 2003**

AMENDMENTS TO THE DRAWINGS

Applicants submitted replacement drawings on August 4, 2006. Replacement sheets 1 and 4 have been approved, but the Examiner has not approved replacement sheets 2 and 3.

Regarding replacement sheet 2, the handle in Figure 4 was erroneously deleted in the sheet submitted by Applicants. Accordingly, a supplemental replacement sheet 2 is attached hereto to correct the error.

The Examiner objected to Figure 5 of replacement sheet 3 as including lines purported to represent the handle. These lines were meant to represent slits, and were taken from replacement sheets submitted by Applicants on November 18, 2005 in response to the Examiner's objection to the drawings in paragraph 5 of the Office Action mailed May 20, 2005. In order to streamline prosecution and resolve this matter, Applicants herewith submit replacement sheet 3, which depicts Figure 5 with no slits.

Applicants submit that the Examiner's objections to the drawings are now overcome.

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REMARKS

In response to the Office Action mailed October 23, 2006, please reconsider the above-identified application in light of the above amendments and the following remarks.

Specification

The Examiner objected to the specification as not providing proper antecedent basis for the recited “first, second, and third layers.” The above amendments to the specification specifically set out these first, second and third layers, and tie them to the bottom-most, middle and top-most layers, respectively, which are already specifically discussed in connection with an embodiment in the specification. Notably, the bottom-most and middle layers are already referred to as the “first and second layers” in the specification on at least page 7, lines 27-28.

Reference numbers (12) and (13) have also been inserted in appropriate locations of the amended paragraph.

No new subject matter is added by the amendments to the specification, and Applicants respectfully request that the amendments be entered.

Objected-to Claims Rewritten Into Independent Form

The Examiner objected to Claims 31-33 and 36-38, but indicated that these claims recited allowable subject matter and would be allowed if rewritten into independent form. As such, Claims 33 and 36 have each been rewritten into independent form. Claim 39 has been amended to depend from Claim 36, along with Claims 37 and 38. In order to speed prosecution of this matter, Claims 34 and 35 have been cancelled without prejudice. However, Applicants respectfully disagree with the Examiner’s rejection of these claims. For example, the Vaquero reference does not teach forming a bag via multiple folds as stated by the Examiner (Office Action, para. 10). In fact, the folding patterns depicted in Figure 7A-L of Vaquero are simply for packaging bags that are already formed (see Vaquero, col. 3, ll. 51-61), and these folds are not part of the bags’ structure.

In any case, Applicants contend that Claims 33 and 36-39 are currently in condition for allowance.

Amended Claim 20 Defines Over Cited References

The Examiner rejected Claim 20 under 35 U.S.C. § 102(b) as anticipated by each of U.S. Patent No. 3,224,640 to Schneider, U.S. Patent No. 6,012,844 to Huseman, and U.S. Patent No.

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3,979,051 to Close. Claim 20 has been amended, and currently defines over each of these references. In addition, Claims 21-32, which depend from Claim 20, recite additional patentable subject matter and, when taken as a whole, are patentable over the cited references.

Schneider teaches a reclosable package that is specifically designed so that a series of such packages can "be nested one against another and to stand upright upon a shelf" (Col. 7, ll. 1-3). Although it is designed so that liquids or fine powders will not leak out if the package happens to be lying down (col. 7, ll. 53-55), there is no consideration of factors that would address the unique challenges of holding hot foods such as pizza for storage and transport in a generally horizontal disposition. Further, Schneider contemplates only stacking the packages next to one another, and never contemplates a pizza (or other hot food) holder adapted to be stackable with another similar holder one on top of the other.

Huseman teaches a leakproof plastic film bag. As described, the Huseman bag has front and rear walls 12, 14, a bottom edge 18, and right and left side edges 20, 22, thus showing that this bag was designed to be used in an upright position, with its bottom edge 18 at the bottom and its top edges 24, 26 defining an opening at its top. As with the Schneider reference, there is no consideration of factors that would address the unique challenges of holding hot foods such as pizza for storage and transport in a generally horizontal disposition. Nor does Huseman contemplate or see any need for a pizza (or other hot food) holder adapted to be stackable with another similar holder one on top of the other.

Close teaches a dual-compartment envelope having a first pocket for storing X-ray film and a second pocket for storing patient records and the like. As with Schneider and Huseman, Close never considers factors that would address the unique challenges of holding hot foods such as pizza for storage and transport in a generally horizontal disposition. Nor does Close contemplate or see any need for a pizza (or other hot food) holder adapted to be stackable with another similar holder one on top of the other.

Since none of the Schneider, Huseman and Close references teach or suggest the limitations of amended Claim 20, Applicants respectfully request that the Examiner withdraw the rejections of this claim and the claims that depend therefrom.

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New Claims

New Claims 40-53 have been added to more thoroughly recite subject matter that Applicants consider to be part of the invention. New Claims 40-44 depend from Allowable Claim 33 and recite additional patentable subject matter.

New Claim 45 is an independent claim that defines limitations that are not taught or suggested in the cited art. For example, none of the cited references teaches or contemplates a front-loading, stackable packaging system for storing and transporting a pizza in a generally horizontal disposition. Further, the cited art doesn't teach or suggest a space accessible via a front-loading opening at which at least a portion of the respective side edges are unattached, the space being sized and adapted to accommodate a pizza disposed horizontally therewithin. Still further, the cited references do not contemplate a pizza holder adapted to selectively fit through the front-loading opening into the space, the pizza holder adapted to be stackable with another similar holder one on top of another in a horizontal disposition without crushing the pizza. Since Claim 45 recites limitations not taught or suggested in the art, this claim is in condition for allowance.

Claims 46-53 depend from Claim 45 and recite additional patentable subject matter such as, for example, the first and second layers are constructed of a material having a heat tolerance of at least 200°F for at least 60 minutes; a flap comprising an adhesive and being adapted to be selectively engageable with the second layer to selectively close the front-loading opening so as to hold hot vapors within the package; the pizza holder having a vertically-direct component adapted to support a second pizza holder stacked thereon; a plurality of stacked pizza holders disposed within the space defined between the first and second layers; and a combination with a second, similar packaging system, and the second packaging system is stacked on top of the first packaging system so that the pizza holder of the first packaging system supports the second packaging system.

The cited references do not teach or suggest all the limitations of the new claims. Accordingly, Applicants contend that these claims are currently in condition for allowance.

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Conclusion

Applicants respectfully submit that the rejections and objections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections and objections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

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Dated: 2/21/07

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APPENDIX

Replacement drawing sheets 2 and 3 are included in this appendix.

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